

### **Remarks**

The Specification has been amended with a replacement paragraph on page 1 to include the serial number and published application number of the co-pending application.

The declaration was declared defective because the citizenship of one of the inventors was illegible. A new original declaration signed and dated by that inventor, and including his citizenship, is included with this amendment.

Claims 1-5 remain.

Applicants acknowledge the indicated allowability of claims 2, 3 and 5 if amended to be in independent form.

Claims 1 and 4 have provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over co-pending application 10/620,542. Enclosed with this Amendment is a terminal disclaimer of the terminal part of the statutory term of any patent granted on this application which would extend beyond the term of any patent granted on the '542 co-pending application.

In view of the above all remaining claims are believed in condition for allowance. The Examiner is invited to call Applicants' attorney if a telephone conference will expedite the prosecution of this application.

Respectfully submitted,

**/ Thomas R. Berthold, Reg. No. 28,689 /**

Thomas R. Berthold, Attorney for Applicants  
Reg. No. 28,689  
18938 Congress Junction Ct.  
Saratoga, CA 95070-4570  
Phone: (408) 396-8411  
Fax: (408) 904-6605